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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,801	09/21/2000	Masato Tsukada	Q60955	6884

7590 05/19/2004

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EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/666,801

Applicant(s)

TSUKADA, MASATO

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

JEROME GRANT II  
PRIMARY EXAMINER

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima.

With respect to claims 1 and 7 Nakajima teaches an automatic color correction apparatus for performing the correction method as claimed. The apparatus 1 for performing the method is shown in figure 1, for carrying out color correction upon a specific object (referred to at col. 12, lines 25-30), said apparatus comprising an object color information memory 24 for memorizing color adjustment parameters (such as the hue parameter) obtained by splitting a hue distribution region. See figure 34 for three split hue regions, (red, green and blue) and the distribution frequency (shown from a low scale to a high scale) concerning a specific object (911) referred to at col. 10, line

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60-67. Nakajima teaches an extracting means (via process parameter switch 132 for extracting a specific color of the object 911. Nakajima teaches memory 24 as the color correction parameter memory, see col. 11, lines 45-50. Nakajima teaches performing color correction on the specific hue according to the current address information and adjustment range of the object. See col. 11, lines 30-36.

With respect to claim 6, Nakajima teaches a memory 24 for memorizing plural kinds of sample objects 911 including a manual color correction processing means (via input device 5 where an operator can input data) through an external instruction (outside apparatus 1) shown by figure 1. Nakajima teaches entering color information through input device 5 for generating color parameters which are stored in memory 24.

With respect to claim 10, Nakajima teaches an application 2 which is a recording means for storing a program for carrying out color correction upon a specific object (referred to at col. 12, lines 25-30), the application stores a program comprising an object color information memory 24 for memorizing color adjustment parameters (such as the hue parameter) obtained by splitting a hue distribution region. See figure 34 for three split hue regions, (red, green and blue) and the distribution frequency (shown from a low scale to a high scale) concerning a specific object (911) referred to at col. 10, line 60-67. Nakajima teaches an extracting means (via process parameter switch 132 for extracting a specific color of the object 911. Nakajima teaches memory 24 as the color correction parameter memory, see col. 11, lines 45-50. Nakajima teaches

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performing color correction only on the specific hue according to the current address information and adjustment range of the object. See col. 11, lines 30-36. See also figure 34.

2.

#### Claims Objected

Claims 2 –5, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
J. GRANT II  
JEROME GRANT II  
PRIMARY EXAMINER